IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 396 OF 1998

1. Smt.Shobha Baban Waydande
2. Kum.Kuldeep Baban Waydande .. Appellants

V/s

Shri Baban Sitaram Waydande .. Respondent

Shri K.S.Dewal for the Appellants
Shri S.M.Kamble for Respondent

CORAM:S.R.SATHE,J.
DATED:24th January 2006

P.C.:-

. Heard both the learned Advocates.

. The learned Advocate for the Respondent produced certified copy of the decree passed in HMP No.1/1999. From the perusal of the same it is clear that the Respondent husband had filed the said petition for divorce alleging that there was no co-habitation between the Appellant and him after passing of the

decree for judicial separation. Admittedly one year had lapsed from the said decree. It appears that on merits the said petition was allowed and decree for divorce was passed. In view of this circumstance both the learned Advocates submitted that the present appeal be treated as infractuous and be disposed of. If at all the wife is aggrieved by the decree passed in HMP No.1 of 1999 then she may prefer her own remedy if law permits.

. Hence the appeal is disposed of being infractuous.

(S.R.SWATHE,J.)